

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated September 22, 2004, and reconsideration of that Action is requested in view of the following comments.

Proper Markush language has been introduced into claims 1 and 10.

Claim 1 has been amended to be directed to brake linings rather than the materials from which these linings are made. This amendment is based on page 6, lines 11 to 13 of the specification.

A typographical error in claim 10 has been corrected. Claim 10 has also been reworded as an independent claim, including all limitations of claim 1. The process of shaping is now more clearly defined as pressing. This is based on page 4, lines 5 and 6 of the specification. The mass ratio of the fibers has been amended to mandatorily include at least a mass fraction of 2 which is disclosed in page 2, line 14 of the specification.

Claim 12 has been added to take up the optional clause of claim 10 which has been removed from this claim. The omission of "a part" in the "if desired" clause of original claim 10 has been corrected. The basis for this claim can be found on page 4, lines 21 to 26 of the specification.

No new matter has therefore been added.

Applicant respectfully submits that the present invention as defined in the claims is neither shown nor suggested by the prior art taken alone or in combination with one another. Specifically, claims 1-9 are not rendered obvious by Cox et al US 6,418,973, for the following reasons.

In Cox, a woven preform for ceramic composites is described which comprises a plurality of layers of yarns of fibrous material, structural members extending between the layers, wherein the layers and the structural members define interlayer spaces, and wherein low density ceramic insulation is disposed in the interlayer spaces, with a plurality of openings extending through at least one of the layers, wherein the openings are large enough for the insulation to pass through.

It is pointed out that amended claim 1 calls for brake linings made from a specified fiber reinforced ceramic material. Such feature is not known from the prior art cited, and is not rendered obvious by Cox.

Cox does not address the tribological properties of the composites which are subject to this patent. Therefore, the person skilled in the art would not look at the materials described and claimed therein to manufacture ceramic bodies to be used in tribological applications.

One of the objects of the present invention was to provide a materials for brake linings, and the brake linings made therefrom, which have a high wear resistance even at elevated temperatures, and which simultaneously do not have an adverse effect on the wear behavior of the brake disks used in combination with the brake linings of the present invention.

There is no teaching in the cited art relating to the tribological properties of the ceramic composites described therein, and the present invention is not rendered obvious by Cox. Favorable reconsideration is therefore respectfully requested.

Since no prior art has been applied to claims 10, 11 and 12, these claims are now believed to be in condition for allowance since the informalities have been properly

addressed. Additionally, claims 1-9 are believed to be in condition for allowance since these claims clearly distinguish over the cited and applied Cox reference.

Accordingly, for the reasons discussed above it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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